

REMARKS

Applicants have cancelled claims 1-15, 25-31, and 34-35 without prejudice. Claim 16 is amended to incorporate the limitations of claim 1. New claims 36 to 49 correspond to original claims 2 through 15 but now depend from claim 16.

The Examiner has required restriction under 35 U.S.C. § 121 between Group I: claims 1-15 (drawn to a method of producing an immunogenic compound comprising subjecting tumor cells to a temperature of more than 41.2°C for at least 15 minutes and then lysing the tumor cells); Group II: claims 16-23, 32, and 33 (drawn to a lysate obtainable by the method of Group I); Group III, claims 24-25 (drawn to a method of producing a vaccine or a pharmaceutical composition with the lysate of Group II), and Group IV, claims 26, 28-31, 34 and 35 (drawn to methods of treatment using the lysate of Group II).

Applicants provisionally elect to prosecute Group II, claims 16-23, 32, and 33 drawn to a composition comprising a lysate obtainable by subjecting tumor cells to a temperature of more than 41.2°C for at least 15 minutes and then lysing the tumor cells. Applicants submit that new claims 36-49 and claim 24 as amended now fall within the subject matter of Group II and should be examined with claims 16-23, 32, and 33.

Applicants do not believe that any extension of time is required to file this Response. However, in the event of an error, please grant any extensions of time required and charge any additional required fees to deposit account 06-0916.

Respectfully submitted,

FINNEGAN, HENDERSON, FARABOW,
GARRETT & DUNNER, L.L.P.

Dated: November 3, 2006

By: Leslie A. McDonell

Leslie A. McDonell
Reg. No. 34,872